

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

CLINTON DAVID BENNETT,

Defendant and Appellant.

C081327

(Super. Ct. Nos. CM042822,
CM043012, CM043442)

On December 21, 2014, a Chico police officer investigating a reported prowler stopped defendant Clinton David Bennett, who unsuccessfully tried to flee from the officer on his bicycle. On May 2, 2015, an officer saw defendant riding his bicycle against traffic and without a light. The officer attempted a traffic stop, defendant fled, but he was apprehended after a brief chase. The officer found 21.41 grams of methamphetamine and several unused syringes in defendant's backpack. Defendant

failed to appear in court for a May 29, 2015, arraignment and for a June 24, 2015, preliminary hearing.

On September 7, 2015, at around 5:43 a.m., Chico police officers were sent to the location of a residential burglary in progress. The officers spoke to defendant outside the residence and identified themselves; defendant then ran inside the home and was later detained without incident.

Defendant pleaded no contest to possession of methamphetamine for sale (Health & Saf. Code, § 11378) and resisting an officer (Pen. Code, § 148, subd. (a)(1); unless otherwise set forth, statutory references that follow are to the Penal Code) in case No. CM042822, first degree burglary (§ 459) in case No. CM043012, and felony failure to appear (§ 1320, subd. (b)) in case No. CM043442. The trial court sentenced defendant to a six-year-eight-month state prison term, imposed various fines and fees, and awarded 276 days of presentence credit (138 actual and 138 conduct).

Defendant appeals. He did not obtain a certificate of probable cause.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

There is an error in the abstract. The trial court imposed the mandatory \$40 court operations assessment (§ 1465.8) and the mandatory \$30 criminal conviction assessment (Gov. Code, § 70373) for each offense. Although defendant, who was convicted of four offenses, was subject to a \$160 court operations assessment and a \$120 criminal conviction assessment, the abstract erroneously shows a total \$120 court operations assessment and a \$60 criminal conviction assessment. We will order a correction to the abstract.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting a \$160 court operations assessment (§ 1465.8) and a \$120 criminal conviction assessment (Gov. Code, § 70373) and to deliver a certified copy of the amended abstract to the Department of Corrections and Rehabilitation.

HULL, J.

We concur:

NICHOLSON, Acting P. J.

HOCH, J.